

Title 32: PROFESSIONS AND OCCUPATIONS

Chapter 62: SEWAGE TREATMENT OPERATORS

Table of Contents

Section 4171. DEFINITIONS.....	3
Section 4172. CLASSIFICATION.....	3
Section 4173. CERTIFICATION.....	4
Section 4173-A. CONTINUING EDUCATION.....	4
Section 4174. EXAMINATION; CRITERIA; STANDARDS.....	4
Section 4175. CERTIFICATES.....	5
Section 4176. WITHOUT EXAMINATION, OTHER STATES.....	5
Section 4177. WITHOUT EXAMINATION, OTHER OWNERS.....	5
Section 4178. APPLICATION.....	6
Section 4179. RULES.....	6
Section 4180. FEES (REPEALED).....	6
Section 4181. PENALTY.....	6
Section 4182. VIOLATION OF LAW OR RULES AND REGULATIONS.....	6

Maine Revised Statutes
Title 32: PROFESSIONS AND OCCUPATIONS
Chapter 62: SEWAGE TREATMENT OPERATORS

§4171. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings. [1977, c. 696, §249 (RPR).]

1. Board. "Board" shall mean the Board of Environmental Protection.

[1971, c. 618, §12 (RPR) .]

2. Certificate. "Certificate" shall mean a certificate of competency issued by the board stating that the applicant has met the requirements for the specified operator classification.

[1971, c. 618, §12 (AMD) .]

3. Operator. "Operator" shall mean the person who has direct responsibility for the operation of any wastewater treatment plant serving a public purpose. The person who shall be certified shall be the person who has management responsibility over the plant. Shift operators or other employees under the supervision of the manager need not be certified.

[1969, c. 237, (NEW) .]

4. Wastewater treatment plant. "Wastewater treatment plant" shall mean the facility or group of units provided for the treatment of wastewater, either or both sewage and industrial wastes, and for the reduction and handling of sewage removed from such wastes.

[1969, c. 237, (NEW) .]

SECTION HISTORY

1969, c. 237, (NEW). 1969, c. 282, (NEW). 1969, c. 431, §9 (AMD).
1969, c. 590, §64 (RP). 1971, c. 618, §12 (AMD). 1977, c. 696, §249
(AMD).

§4172. CLASSIFICATION

The commissioner shall classify all wastewater treatment plants actually used or intended for use by the public with due regard to the size, type, character of wastewater to be treated and other physical conditions affecting those treatment plants and shall specify the qualifications the operator in responsible charge must have to supervise successfully the operation of those facilities so as to protect the public health or prevent nuisance conditions or unlawful pollution. [1989, c. 890, Pt. A, §4 (AMD); 1989, c. 890, Pt. A, §40 (AFF).]

SECTION HISTORY

1969, c. 237, (NEW). 1969, c. 282, (NEW). 1969, c. 590, §64 (RP).
1971, c. 618, §12 (AMD). 1989, c. 890, §§A4,40 (AMD).

§4173. CERTIFICATION

The commissioner shall certify persons as to their competency to supervise successfully the operation of wastewater treatment plants. A certification is not required of an operator who is a registered professional engineer. [1989, c. 890, Pt. A, §4 (AMD); 1989, c. 890, Pt. A, §40 (AFF).]

SECTION HISTORY

1969, c. 237, (NEW). 1969, c. 282, (NEW). 1969, c. 590, §64 (RP).
1971, c. 618, §12 (AMD). 1989, c. 890, §§A4,40 (AMD).

§4173-A. CONTINUING EDUCATION

1. Training. The Department of Environmental Protection shall administer a continuing educational program for people engaged in water pollution control activities. This program shall provide advanced training in the technical and legal aspects of water pollution control, and coordinate and distribute information about all water pollution control training programs available in the State.

[1983, c. 832, §1 (NEW) .]

2. Funds. The department may accept funds, public and private, for the purposes of this section.

[1983, c. 832, §1 (NEW) .]

3. Self supporting. This program shall be self-supporting from fees, grants or other sources of revenue.

[1987, c. 510, (AMD) .]

SECTION HISTORY

1983, c. 832, §1 (NEW). 1985, c. 204, (AMD). 1987, c. 510, (AMD).

§4174. EXAMINATION; CRITERIA; STANDARDS

The commissioner shall hold at least one examination each year for the purpose of examining candidates for certification at a time and place designated by the commissioner. [1989, c. 890, Pt. A, §4 (AMD); 1989, c. 890, Pt. A, §40 (AFF).]

The board shall establish the criteria and conditions for the classification of wastewater treatment plants or systems, using as a basis the standards established by the New England Water Pollution Control Association. [1971, c. 618, §12 (AMD).]

The board shall establish by rule the qualifications, conditions and licensing standards and procedures for the certification of individuals to act as operators. [1989, c. 890, Pt. A, §4 (AMD); 1989, c. 890, Pt. A, §40 (AFF).]

The Department of Environmental Protection may allow an operator to review with department staff an operator certification test that the operator has completed in order to identify subject areas for which questions were answered incorrectly and further study is advisable. [2011, c. 206, §2 (NEW) .]

SECTION HISTORY

1969, c. 237, (NEW). 1971, c. 618, §12 (AMD). 1989, c. 890, §§A4,40 (AMD). 2011, c. 206, §2 (AMD).

§4175. CERTIFICATES

The commissioner shall issue certificates attesting to the competency of individuals to act as operators. The certificate shall indicate the classification level of the systems or plants for the operation of which the individual is qualified to act as an operator. [1989, c. 890, Pt. A, §5 (AMD); 1989, c. 890, Pt. A, §40 (AFF).]

Certificates shall continue in effect unless revoked by the District Court. [1977, c. 694, §635 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

The District Court may revoke the certificate of an operator, in accordance with Title 4, chapter 5, when it is found that the operator has practiced fraud or deception; that reasonable care, judgment or the application of the operator's knowledge or ability was not used in the performance of the operator's duties; or that the operator is incompetent or unable properly to perform the operator's duties. [1999, c. 547, Pt. B, §69 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

Operators whose certificates are invalidated under this section may be issued new certificates of a like classification provided appropriate proof of competency is presented to the commissioner. [1989, c. 890, Pt. A, §5 (AMD); 1989, c. 890, Pt. A, §40 (AFF).]

This chapter shall not be construed to affect or prevent the practice of any other legally recognized profession. [1969, c. 237, (NEW).]

SECTION HISTORY

1969, c. 237, (NEW). 1969, c. 282, (NEW). 1969, c. 590, §64 (RP). 1971, c. 618, §12 (AMD). 1977, c. 694, §635 (AMD). 1989, c. 890, §§A5,40 (AMD). 1999, c. 547, §§B69,78 (AMD). 1999, c. 547, §B80 (AFF).

§4176. WITHOUT EXAMINATION, OTHER STATES

The commissioner, upon application therefor, may issue a certificate, without examination, in a comparable classification, to any person who holds a certificate in any state, territory or possession of the United States or any country, providing the requirements for certification of operators under which the person's certificate was issued do not conflict with this chapter and are of a standard not lower than that specified by rules adopted under this chapter. [1989, c. 890, Pt. A, §6 (AMD); 1989, c. 890, Pt. A, §40 (AFF).]

SECTION HISTORY

1969, c. 237, (NEW). 1969, c. 282, (NEW). 1969, c. 590, §64 (RP). 1971, c. 618, §12 (AMD). 1989, c. 890, §§A6,40 (AMD).

§4177. WITHOUT EXAMINATION, OTHER OWNERS

Certificates may be issued without examination to the person or persons certified by the governing body or owner to have been in direct responsible charge of a wastewater treatment plant on October 1, 1969. A certificate so issued will be valid only for that particular classification level or treatment plant or system. [1973, c. 625, §223 (AMD).]

SECTION HISTORY

1969, c. 237, (NEW). 1969, c. 282, (NEW). 1969, c. 590, §64 (RP). 1973, c. 625, §223 (AMD).

§4178. APPLICATION

This chapter shall apply only to conventional wastewater treatment plants which are separate and apart from other facilities. [1969, c. 237, (NEW).]

SECTION HISTORY

1969, c. 237, (NEW). 1969, c. 282, (NEW). 1969, c. 590, §64 (RP).

§4179. RULES

The Board of Environmental Protection shall adopt rules which include, but are not limited to, provisions establishing the basis for classification of treatment plants in accordance with section 4172 and provisions establishing requirements for certification and procedures for examination of candidates. [1989, c. 890, Pt. A, §7 (AMD); 1989, c. 890, Pt. A, §40 (AFF).]

SECTION HISTORY

1969, c. 237, (NEW). 1969, c. 282, (NEW). 1969, c. 590, §64 (RP).
1971, c. 618, §12 (AMD). 1977, c. 300, §8 (RPR). 1989, c. 890, §§A7,40 (AMD).

§4180. FEES

(REPEALED)

SECTION HISTORY

1969, c. 237, (NEW). 1969, c. 282, (NEW). 1969, c. 590, §64 (RP).
1973, c. 712, §4 (RP).

§4181. PENALTY

It is unlawful for any person, firm or corporation, both municipal and private, to operate a wastewater treatment plant unless the competency of the operator is certified to by the commissioner under this chapter. It is unlawful for any person to perform the duties of an operator, as defined, without being duly certified under this chapter. The commissioner may further grant a waiver for a period not exceeding one year for the operation of a wastewater treatment plant serving not more than 500 services in the event that the certification requirements cannot be met. [1989, c. 890, Pt. A, §8 (AMD); 1989, c. 890, Pt. A, §40 (AFF).]

SECTION HISTORY

1969, c. 237, (NEW). 1969, c. 282, (NEW). 1969, c. 590, §64 (RP).
1971, c. 76, (AMD). 1971, c. 618, §12 (AMD). 1973, c. 625, §224 (AMD).
1989, c. 890, §§A8,40 (AMD).

§4182. VIOLATION OF LAW OR RULES AND REGULATIONS

Any person, firm or corporation, both municipal and private, violating any provision of this chapter or the rules and regulations adopted thereunder is guilty of a misdemeanor. Each day of operation in violation of this chapter or any rules and regulations adopted thereunder shall constitute a separate offense. [1969, c. 237, (NEW).]

SECTION HISTORY

1969, c. 237, (NEW). 1969, c. 282, (NEW). 1969, c. 590, §64 (RP).

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